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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,324	01/26/2001	Saul R. Dooley	GB 000062	7672
24737	7590	06/16/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			PARTHASARATHY, PRAMILA	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,324

Applicant(s)

DOOLEY, SAUL R.

Examiner

Pramila Parthasarathy

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/01 & 9/25/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the communication filed on 01/26/2001. Claims 1 – 39 were received for consideration. No preliminary amendments to the specification were filed. Claims 1 – 39 are currently being considered.

Claim Objections

2. Claims 7 – 10, 12, and 19 – 23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 6. See MPEP § 608.01(n). Accordingly, the claims 7 – 10, 12, and 19 – 23 have not been further treated on the merits.

Claim 30 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 27 and 28. See MPEP § 608.01(n). Accordingly, the claim 30 has not been further treated on the merits.

Claims 32 – 35 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 30. See MPEP § 608.01(n). Accordingly, the claims 32 – 35 have not been further treated on the merits.

Claim 39 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 38. See MPEP § 608.01(n). Accordingly, the claim 38 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11, 24, 26 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claims 11 and 24, the limitation "providing an estimate of the location of a device substantially as hereinbefore described" cause the claim vague and indefinite. The examiner is interpreting this limitation as "providing an estimate of the location of a device as hereinbefore described".

The phrases "relatively shallow", "of the order of", "the order of about 5 mm", and "substantial portion", were held to be indefinite because the specification lacked some standard for measuring the degree intended and, therefore, properly rejected as indefinite under 112 (2). *Ex parte Oetiker*, 23 USPQ 2d 641 (Bd. PA&I. 1992).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 6, 11, 13 – 18, 24 – 29, 31 and 36 – 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Reed et al. (Patent No.: 6,275,707).

Regarding Claim 1, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55); and

using the location of the second device as an estimate of the location of the first device, wherein the second device is arranged to perform a function based on its location other than providing its location as an estimate of the location of the first device (Fig. 3, 4 and column 3 line 6 – Column 4 line 67).

Regarding Claim 5, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location

of a separately housed, second device located near to the first device; providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55); and

using the location of the second device as an estimate of the location of the first device, wherein the location of the second device is provided to the first device using a wireless communications link (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 67).

Regarding Claim 11, Reed teaches and describes a method of providing an estimate of the location of a device substantially as hereinbefore described with reference to the accompanying drawings (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55).

Regarding Claim 13, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the first device uses the location of the second device as an estimate of its location; and wherein the second device is arranged to perform a function based on its location other than providing its location as an estimate of the location of the first device (Fig. 3, 4 and column 3 line 6 – Column 4 line 67).

Regarding Claim 17, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the first device uses the location of the second device as an estimate of its location; and wherein the location of the second device is provided to the first device using a wireless communications link (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 67).

Regarding Claim 24, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device substantially as hereinbefore described with reference to the accompanying drawings (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55).

Regarding Claim 25, Reed teaches and describes a device comprising location determining means to determine its location and a receiver for receiving location information from a source external to the device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55),

wherein, in use, the device uses received location information as an estimate of its own location (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 18).

Regarding Claim 29, Reed teaches and describes a device comprising a receiver for a wireless communications link for receiving location information (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein, in use, the device uses received location information as an estimate of its own location location (Fig. 3, 4; Column 1 lines 15 – 40 and column 3 lines 6 – Column 4 line 18).

Regarding Claim 31, Reed teaches and describes a device comprises location determining means for determining the location of the device and a transmitter for sending information relating to its location to a recipient external to the device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55),

wherein the device is arranged to perform a function based on its location other than sending location information to a recipient external to the device (Fig. 3, 4; column 3 lines 6 – 44 and Column 5 lines 44 – 55).

Regarding Claim 36, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device; providing the location of the second device to a third device, separately housed from the first and second devices (Fig.1, 3-5 and Column 1 line 15 – Column 8 line 45);

providing the determined location of the second device from the third device to the first device (Fig.1; column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45); and,

using the determined location of the second device provided by the third device as an estimate of the location of the first device (Fig. 3, 4; Column 3 line 6 – Column 4 line 67 and Column 6 line 5 – Column 8 line 45).

Claim 2 is rejected as applied above in rejecting claim 1. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the location of the second device is provided to the first device using a physical communications link (Column 1 lines 15 – 40).

Claim 4 is rejected as applied above in rejecting claim 1. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the location of the second device is provided to the first device using a wireless communications link (Column 1 lines 15 – 40).

Claim 6 is rejected as applied above in rejecting claim 4 or 5. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device

comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the wireless communications link is a Bluetooth link (Column 2 lines 20 – 65).

Claim 14 is rejected as applied above in rejecting claim 13. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the location of the second device is provided to the first device using a physical communications link (Column 1 lines 15 – 40).

Claim 18 is rejected as applied above in rejecting claim 16 or 17. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the wireless communications link is a Bluetooth link (Column 2 lines 20 – 65).

Claim 26 is rejected as applied above in rejecting claim 24. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device substantially as hereinbefore described with reference to the accompanying drawings (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55) comprising a transmitter wherein the device is arranged to send a request for location information to a recipient external to the device when the location determining means is inoperative (Column 1 lines 28 – 58).

Claim 27 is rejected as applied above in rejecting claim 24 or 25. Furthermore, Reed teaches and describes a device comprising location determining means to determine its location and a receiver for receiving location information from a source external to the device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55),

wherein the location determining means is a GPS receiver (Column 2 lines 20 – 56).

Claim 37 is rejected as applied above in rejecting claim 36. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device; providing the location of the second device to a third device, separately housed from the first and second devices (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the location of the second device is provided from the second device to the third device using a wireless communications link (Column 1 lines 15 – 40).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device located near to the first device providing the location of the second device to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55), wherein the physical communications link is a cable joining the first and second devices (Column 1 lines 15 – 40).

Claim 15 is rejected as applied above in rejecting claim 14. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the physical communications link is a cable joining the first and second devices (Column 1 lines 15 – 40).

Claim 28 is rejected as applied above in rejecting any of the claims 24 to 26. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device substantially as hereinbefore described with reference to the accompanying drawings (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55),

wherein the receiver is for a wireless communications link (Column 1 lines 15 – 40).

Claim 38 is rejected as applied above in rejecting claim 36 or 37. Furthermore, Reed teaches and describes a method of providing an estimate of the location of a first device comprising the steps of determining the location of a separately housed, second device; providing the location of the second device to a third device, separately housed from the first and second devices (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the location of the second device is provided from the third device to the first device using a wireless communications link (Column 1 lines 15 – 40).

Claim 16 is rejected as applied above in rejecting claim 15. Furthermore, Reed teaches and describes the combination of first and second separately housed devices for estimating of the location of the first device; wherein the second device comprises location determining means for determining the location of the second device and providing the location to the first device (Fig.1, 3-5 and Column 1 line 15 – Column 5 line 55);

wherein the location of the second device is provided to the first device using a wireless communications link (Column 1 lines 15 – 40).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fischer (U.S. Patent No.: 5,659,617) Method for providing Location Certificates.

Drane et al. (U.S. Patent No.: 6,275,705) Location and Tracking system.

Vanttinen et al. (U.S. Publication No.: US 2001/0055394) Method for processing Location information relating to a terminal connected to a packet network via a cellular network.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231 **or**
faxed to: (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 703-305-8912. The examiner can normally be reached on 8:00a.m. To 5:00p.m..

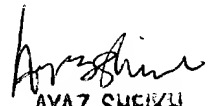
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Pramila Parthasarathy
June 12, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100